



General Assembly

January Session, 2005

***Raised Bill No. 1062***

LCO No. 3489

\*03489\_\_\_\_\_ED\_\*

Referred to Committee on Education

Introduced by:  
(ED)

***AN ACT CONCERNING SCHOOL BUILDING MAINTENANCE.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1       Section 1. Section 10-220 of the general statutes is repealed and the  
2       following is substituted in lieu thereof (*Effective July 1, 2005*):

3       (a) Each local or regional board of education shall maintain good  
4       public elementary and secondary schools, implement the educational  
5       interests of the state as defined in section 10-4a and provide such other  
6       educational activities as in its judgment will best serve the interests of  
7       the school district; provided any board of education may secure such  
8       opportunities in another school district in accordance with provisions  
9       of the general statutes and shall give all the children of the school  
10      district as nearly equal advantages as may be practicable; shall provide  
11      an appropriate learning environment for its students which includes  
12      (1) adequate instructional books, supplies, materials, equipment,  
13      staffing, facilities and technology, (2) equitable allocation of resources  
14      among its schools, (3) proper maintenance of facilities, including, but  
15      not limited to, all necessary repairs and preventive measures to  
16      eliminate deterioration of buildings and to provide a safe and healthy  
17      environment for school staff and students, and (4) a safe school setting;

18 shall have charge of the schools of its respective school district; shall  
19 make a continuing study of the need for school facilities and of a long-  
20 term school building program and from time to time make  
21 recommendations based on such study to the town; shall adopt and  
22 implement an indoor air quality program that provides for ongoing  
23 maintenance and facility reviews necessary for the maintenance and  
24 improvement of the indoor air quality of its facilities; shall report  
25 annually to the Commissioner of Education on the condition of its  
26 facilities and the action taken to implement its long-term school  
27 building program and indoor air quality program, which report the  
28 Commissioner of Education shall use to prepare an annual report that  
29 said commissioner shall submit in accordance with section 11-4a to the  
30 joint standing committee of the General Assembly having cognizance  
31 of matters relating to education; shall advise the Commissioner of  
32 Education of the relationship between any individual school building  
33 project pursuant to chapter 173 and such long-term school building  
34 program; shall have the care, maintenance and operation of buildings,  
35 lands, apparatus and other property used for school purposes and at  
36 all times shall insure all such buildings and all capital equipment  
37 contained therein against loss in an amount not less than eighty per  
38 cent of replacement cost; shall determine the number, age and  
39 qualifications of the pupils to be admitted into each school; shall  
40 develop and implement a written plan for minority staff recruitment  
41 for purposes of subdivision (3) of section 10-4a; shall employ and  
42 dismiss the teachers of the schools of such district subject to the  
43 provisions of sections 10-151 and 10-158a; shall designate the schools  
44 which shall be attended by the various children within the school  
45 district; shall make such provisions as will enable each child of school  
46 age, residing in the district to attend some public day school for the  
47 period required by law and provide for the transportation of children  
48 wherever transportation is reasonable and desirable, and for such  
49 purpose may make contracts covering periods of not more than five  
50 years; may place in an alternative school program or other suitable  
51 educational program a pupil enrolling in school who is nineteen years

52 of age or older and cannot acquire a sufficient number of credits for  
53 graduation by age twenty-one; may arrange with the board of  
54 education of an adjacent town for the instruction therein of such  
55 children as can attend school in such adjacent town more conveniently;  
56 shall cause each child five years of age and over and under eighteen  
57 years of age who is not a high school graduate and is living in the  
58 school district to attend school in accordance with the provisions of  
59 section 10-184, and shall perform all acts required of it by the town or  
60 necessary to carry into effect the powers and duties imposed by law.

61 (b) The board of education of each local or regional school district  
62 shall, with the participation of parents, students, school administrators,  
63 teachers, citizens, local elected officials and any other individuals or  
64 groups such board shall deem appropriate, prepare a statement of  
65 educational goals for such local or regional school district. The  
66 statement of goals shall be consistent with state-wide goals pursuant to  
67 subsection (c) of section 10-4. Each local or regional board of education  
68 shall develop student objectives which relate directly to the statement  
69 of educational goals prepared pursuant to this subsection and which  
70 identify specific expectations for students in terms of skills, knowledge  
71 and competence.

72 (c) Annually, each local and regional board of education shall  
73 submit to the Commissioner of Education a strategic school profile  
74 report for each school under its jurisdiction and for the school district  
75 as a whole. The superintendent of each local and regional school  
76 district shall present the profile report at the next regularly scheduled  
77 public meeting of the board of education after each November first.  
78 The profile report shall provide information on measures of (1) student  
79 needs, (2) school resources, including technological resources and  
80 utilization of such resources and infrastructure, (3) student and school  
81 performance, (4) equitable allocation of resources among its schools,  
82 (5) reduction of racial, ethnic and economic isolation, (6) school facility  
83 maintenance needs, and [(6)] (7) special education. For purposes of this  
84 subsection, measures of special education include (A) special

85 education identification rates by disability, (B) rates at which special  
86 education students are exempted from mastery testing pursuant to  
87 section 10-14q, (C) expenditures for special education, including such  
88 expenditures as a percentage of total expenditures, (D) achievement  
89 data for special education students, (E) rates at which students  
90 identified as requiring special education are no longer identified as  
91 requiring special education, (F) the availability of supplemental  
92 educational services for students lacking basic educational skills, (G)  
93 the amount of special education student instructional time with  
94 nondisabled peers, (H) the number of students placed out-of-district,  
95 and (I) the actions taken by the school district to improve special  
96 education programs, as indicated by analyses of the local data  
97 provided in subparagraphs (A) to (H), inclusive, of this subdivision.

98 (d) Prior to January 1, 2008, and every five years thereafter, for  
99 every school building that is or has been constructed, extended,  
100 renovated or replaced on or after January 1, 2003, a local or regional  
101 board of education shall provide for a uniform inspection and  
102 evaluation program of the indoor air quality within such buildings,  
103 such as the Environmental Protection Agency's Indoor Air Quality  
104 Tools for Schools Program. The inspection and evaluation program  
105 shall include, but not be limited to, a review, inspection or evaluation  
106 of the following: (1) The heating, ventilation and air conditioning  
107 systems; (2) radon levels in the water and the air; (3) potential for  
108 exposure to microbiological airborne particles, including, but not  
109 limited to, fungi, mold and bacteria; (4) chemical compounds of  
110 concern to indoor air quality including, but not limited to, volatile  
111 organic compounds; (5) the degree of pest infestation, including, but  
112 not limited to, insects and rodents; (6) the degree of pesticide usage; (7)  
113 the presence of and the plans for removal of any hazardous substances  
114 that are contained on the list prepared pursuant to Section 302 of the  
115 federal Emergency Planning and Community Right-to-Know Act, 42  
116 USC 9601 et seq.; (8) ventilation systems; (9) plumbing, including  
117 water distribution systems, drainage systems and fixtures; (10)  
118 moisture incursion; (11) the overall cleanliness of the facilities; (12)

119 building structural elements, including, but not limited to, roofing,  
120 basements or slabs; (13) the use of space, particularly areas that were  
121 designed to be unoccupied; and (14) the provision of indoor air quality  
122 maintenance training for building staff. Local and regional boards of  
123 education conducting evaluations pursuant to this subsection shall  
124 make available for public inspection the results of the inspection and  
125 evaluation at a regularly scheduled board of education meeting.

126 Sec. 2. Subsection (a) of section 10-222 of the general statutes is  
127 repealed and the following is substituted in lieu thereof (*Effective July*  
128 *1, 2005*):

129 (a) Each local board of education shall prepare an itemized estimate  
130 of the cost of maintenance of public schools for the ensuing year and  
131 shall submit such estimate to the board of finance in each town or city  
132 having a board of finance, to the board of selectmen in each town  
133 having no board of finance or otherwise to the authority making  
134 appropriations for the school district, not later than two months  
135 preceding the annual meeting at which appropriations are to be made.  
136 The money appropriated by any municipality for the maintenance of  
137 public schools shall be expended by and in the discretion of the board  
138 of education, except that the board shall reserve fifteen per cent of such  
139 money for any maintenance of its facilities required pursuant to  
140 subsection (a) of section 10-220, as amended by this act. Except as  
141 provided in this subsection, any such board may transfer any  
142 unexpended or uncontracted-for portion of any appropriation for  
143 school purposes to any other item of such itemized estimate. Boards  
144 may, by adopting policies and procedures, authorize designated  
145 personnel to make limited transfers under emergency circumstances if  
146 the urgent need for the transfer prevents the board from meeting in a  
147 timely fashion to consider such transfer. All transfers made in such  
148 instances shall be announced at the next regularly scheduled meeting  
149 of the board. Expenditures by the board of education shall not exceed  
150 the appropriation made by the municipality, with such money as may  
151 be received from other sources for school purposes. If any occasion

152 arises whereby additional funds are needed by such board, the  
 153 chairman of such board shall notify the board of finance, board of  
 154 selectmen or appropriating authority, as the case may be, and shall  
 155 submit a request for additional funds in the same manner as is  
 156 provided for departments, boards or agencies of the municipality and  
 157 no additional funds shall be expended unless such supplemental  
 158 appropriation shall be granted and no supplemental expenditures shall  
 159 be made in excess of those granted through the appropriating  
 160 authority. The annual report of the board of education shall, in  
 161 accordance with section 10-224, include a summary showing (1) the  
 162 total cost of the maintenance of schools, (2) the amount received from  
 163 the state and other sources for the maintenance of schools, and (3) the  
 164 net cost to the municipality of the maintenance of schools. For  
 165 purposes of this subsection, "meeting" means a meeting, as defined in  
 166 section 1-200.

167 Sec. 3. Subsection (a) of section 10-51 of the general statutes is  
 168 repealed and the following is substituted in lieu thereof (*Effective July*  
 169 *1, 2005*):

170 (a) The fiscal year of a regional school district shall be July first to  
 171 June thirtieth. Except as otherwise provided in this subsection, not less  
 172 than two weeks before the annual meeting held pursuant to section 10-  
 173 47, the board shall hold a public district meeting to present a proposed  
 174 budget for the next fiscal year. Any person may recommend the  
 175 inclusion or deletion of expenditures at such time. After the public  
 176 hearing, the board shall prepare an annual budget for the next fiscal  
 177 year, make available on request copies thereof and deliver a reasonable  
 178 number to the town clerk of each of the towns in the district at least  
 179 five days before the annual meeting. At the annual meeting on the first  
 180 Monday in May, the board shall present a budget [which] that reserves  
 181 fifteen per cent of the total requested funds for any maintenance of its  
 182 facilities required pursuant to subsection (a) of section 10-220, as  
 183 amended by this act, and includes a statement of (1) estimated receipts  
 184 and expenditures for the next fiscal year, (2) estimated receipts and

185 expenditures for the current fiscal year, (3) estimated surplus or deficit  
186 in operating funds at the end of the current fiscal year, (4) bonded or  
187 other debt, (5) estimated per pupil expenditure for the current and for  
188 the next fiscal year, and (6) such other information as is necessary in  
189 the opinion of the board. Persons present and eligible to vote under  
190 section 7-6 may accept or reject the proposed budget except as  
191 provided below. No person who is eligible to vote in more than one  
192 town in the regional school district is eligible to cast more than one  
193 vote on any issue considered at a regional school district meeting or  
194 referendum held pursuant to this section. Any person who violates  
195 this section by fraudulently casting more than one vote or ballot per  
196 issue shall be fined not less than three hundred dollars or more than  
197 five hundred dollars and shall be imprisoned not less than one year or  
198 more than two years and shall be disenfranchised. The regional board  
199 of education may, in the call to the meeting, designate that the vote on  
200 the motion to adopt the budget shall be by paper ballots at the district  
201 meeting held on the budget or by a "yes" or "no" vote on the voting  
202 machines in each of the member towns on the day following the  
203 district meeting. If submitted to a vote by voting machine, questions  
204 may be included on the ballot for persons voting "no" to indicate  
205 whether the budget is too high or too low, provided the vote on such  
206 questions shall be for advisory purposes only and not binding upon  
207 the board. Two hundred or more persons qualified to vote in any  
208 regional district meeting called to adopt a budget may petition the  
209 regional board, in writing, at least three days prior to such meeting,  
210 requesting that any item or items on the call of such meeting be  
211 submitted to the persons qualified to vote in the meeting for a vote by  
212 paper ballot or on the voting machines in each of the member towns on  
213 the day following the district meeting and in accordance with the  
214 appropriate procedures provided in section 7-7. If a majority of such  
215 persons voting reject the budget, the board shall, within four weeks  
216 thereafter and upon notice of not less than one week, call a district  
217 meeting to consider the same or an amended budget. Such meetings  
218 shall be convened at such intervals until a budget is approved. If the

219 budget is not approved before the beginning of a fiscal year, the  
220 disbursing officer for each member town, or the designee of such  
221 officer, shall make necessary expenditures to such district in amounts  
222 equal to the total of the town's appropriation to the district for the  
223 previous year and the town's proportionate share in any increment in  
224 debt service over the previous fiscal year, pursuant to section 7-405  
225 until the budget is approved. The town shall receive credit for such  
226 expenditures once the budget is approved for the fiscal year. After the  
227 budget is approved, the board shall estimate the share of the net  
228 expenses to be paid by each member town in accordance with  
229 subsection (b) of this section and notify the treasurer thereof. With  
230 respect to adoption of a budget for the period from the organization of  
231 the board to the beginning of the first full fiscal year, the board may  
232 use the above procedure at any time within such period. If the board  
233 needs to submit a supplementary budget, the general procedure  
234 specified in this section shall be used.

235       Sec. 4. (NEW) (*Effective July 1, 2005*) The Department of Education  
236 shall annually conduct unannounced inspections of schools chosen on  
237 a random basis and develop and maintain an updated database of  
238 reports of such inspections. Such reports shall be available to the  
239 public through the Department of Education's web site on the Internet.

240       Sec. 5. (NEW) (*Effective July 1, 2005*) Each local and regional board of  
241 education shall post on any Internet web site such board operates or  
242 that any school under the board's jurisdiction operates a notice  
243 informing parents and guardians of students of procedures that allow  
244 them to complain to the board about any facilities that are not clean,  
245 safe and well maintained. The board shall annually mail a written copy  
246 of such notice to parents and guardians of each student. The board  
247 shall resolve all such complaints not later than thirty days after the  
248 receipt of the complaint and notify the parent or guardian making the  
249 complaint of such resolution not later than forty-five days after the  
250 receipt of the complaint.



This act shall take effect as follows and shall amend the following sections:

Section 1	<i>July 1, 2005</i>	10-220
Sec. 2	<i>July 1, 2005</i>	10-222(a)
Sec. 3	<i>July 1, 2005</i>	10-51(a)
Sec. 4	<i>July 1, 2005</i>	New section
Sec. 5	<i>July 1, 2005</i>	New section

***Statement of Purpose:***

To implement a comprehensive school building maintenance plan.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*